

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JUN 26 2020

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

UNITED STATES OF AMERICA,

CR 20-09-M-DLC

Plaintiff,

ORDER

vs.

TREY ANDREW CHANCE BERGMAN,

Defendant.

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on June 10, 2020. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Trey Andrew Chance Bergman’s guilty plea after Bergman appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to felon in possession of

firearms and ammunition in violation of 18 U.S.C. § 922(g)(1), as set forth in the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 28), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Trey Andrew Chance Bergman's motion to change plea (Doc. 20) is GRANTED and Trey Andrew Chance Bergman is adjudged guilty as charged in the Indictment.

DATED this 26<sup>th</sup> day of June, 2020.



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Dana L. Christensen, District Judge  
United States District Court